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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

\*E-FILED - 11/6/06\*

In re ESS TECHNOLOGY, INC.  
SECURITIES LITIGATION

) Master File No. C-02-4497-RMW

) CLASS ACTION

This Document Relates To:

) STIPULATION AND ORDER  
) TO RESET DISCOVERY CUT-OFF,  
) DEADLINES AND HEARINGS

ALL ACTIONS.

1 On August 2, 2006, the Court entered a scheduling order pursuant to stipulation of the parties  
2 setting the fact discovery cut-off for December 22, 2006.

3 The parties have agreed to mediate this action before Antonio C. Piazza on November 12,  
4 2006.

5 At defendants' request, the parties have agreed to halt discovery on defendants pending the  
6 outcome of the mediation.

7 Due to the mediation and partial discovery stay, the parties agree that the fact discovery cut-  
8 off should be extended and request that the Court modify the August 2, 2006 scheduling order as  
9 follows:

- 10 1. Fact discovery shall be completed by March 16, 2007;
- 11 2. Discovery motions shall be filed by April 17, 2007;
- 12 3. Expert disclosures shall be made by May 18, 2007;
- 13 4. Supplemental expert disclosures shall be made by June 1, 2007;
- 14 5. Expert discovery shall be completed by June 15, 2007;
- 15 6. Dispositive motions shall be heard by October 19, 2007;
- 16 7. Pretrial statements shall be submitted by November 30, 2007;
- 17 8. Pretrial conference shall be held on December 6, 2007 at 2:00 p.m.; and
- 18 9. Jury trial shall be set for January 22, 2008 at 1:30 p.m.

19 DATED: October 23, 2006

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I, Luke O. Brooks, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order to Reset Discovery Cutoff Deadlines and Hearings. In compliance with General Order 45, X.B., I hereby attest that Joshua D. Baker of O'Melveny & Meyers LLP has concurred in this filing.

\* \* \*

**ORDER**

IT IS SO ORDERED.

DATED: 11/6/06

/s/ Ronald M. Whyte

THE HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/ Luke O. Brooks

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